

Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RANI THYKKUTTATHIL and RYAN
WELLMAN, wife and husband,

Plaintiffs,

vs.

JAMES KEESE, III, and SARA KEESE,
husband and wife, and their marital
community composed; and PROGRESSIVE
MAX INSURANCE COMPANY, a foreign
insurer,

Defendants.

No.: 2:12-CV-01749-RSM

PLAINTIFFS' RESPONSE TO
DEFENDANTS' RENEWAL OF
THEIR MOTION TO EXPAND THE
NUMBER OF ALLOWED
DEPOSITIONS AND MOTION TO
EXTEND THE DEPOSITION
DEADLINE

I. RELIEF REQUESTED

Plaintiffs Rani Thykkuttathil and Ryan Wellman do not object to defendants' request to expand the number of allowed depositions to give the defendants the opportunity to take the depositions of the following witnesses: Rajani Thykkuttathil, Angela Atkinson, Dr. Andrew Cole, Edward Owens, DC,

PLAINTIFFS' RESPONSE TO DEFENDANTS' RENEWED
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DEADLINE - 1

Case No. 2:12-cv-01749

MW INJURY RESOLUTIONS
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1 Kathie Larsen, PhD, HyperQuality Rule 30(b)(6) and Asentus Rule 30(b)(6). Nor
2 do they object to extending the discovery cutoff date to 45 days after the order is
3 issued. Plaintiffs ask only that the Court deny the defendants' motion to continue
4 the trial date if such motion is filed.

5 Plaintiffs' state court action was set for trial in December 2012. By virtue
6 of defendants' removal to federal court their trial was continued to January 2014.
7 Plaintiffs strongly object to the prospect of another delay and have invited
8 defendants to efficiently schedule and take the depositions they wish to take.

9 It is noteworthy that plaintiffs have never restricted the defendants from
10 contacting any of the fact witnesses or from scheduling depositions of plaintiffs'
11 expert witnesses. Plaintiffs have actively and diligently supplemented their
12 responses to defendants' discovery as new information has become available.
13 The nature of Rani Thykkuttathil's injuries, particularly the damage to her brain,
14 requires her to receive ongoing treatment that will continue throughout the trial
15 and well into the future, if not the rest of her life. As such, plaintiffs anticipate the
16 need to supplement discovery regarding her care and condition through trial.

17 **II. STATEMENT OF FACTS**

18 Defendants have set forth a statement of relevant facts in their motion and
19 a recitation by plaintiffs of the same facts would be redundant.

20 **III. ISSUE PRESENTED**

21 1. Should the Court grant defendants leave to take up to 17 total
22 depositions?
23
24

2. Should the Court extend the discovery deadline on condition there is no continuance of the trial date in January 2014?

IV. EVIDENCE RELIED UPON

1. The records of the Court herein.
2. Declaration of Jean Magladry.

V. ARGUMENT

Plaintiffs agree to allow the additional depositions and extension of the discovery cutoff so long as the extension does not result in a trial continuance.

VI. CONCLUSION

Plaintiffs agree that defendants should be allowed to take the above-referenced depositions and to extend the discovery deadline to 45 days past the issuance of the Court's order on condition their trial date is not continued.

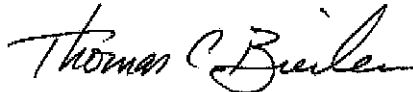
DATED this 7th day of October, 2013.

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